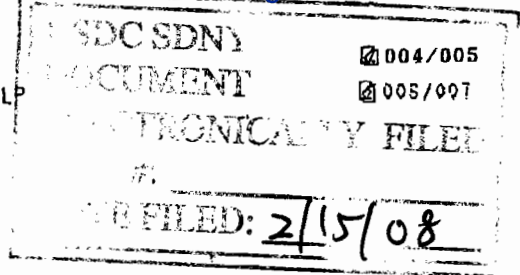


02/06/2008 09:41 FAX

02/05/2008 17:51 FAX 212 4484800

KIRKLAND & ELLIS LLP



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE WORLD TRADE CENTER DISASTER
SITE LITIGATION

x
: 21 MC 102 (AKH)
:
: This order relates to claims against
: NEW YORK TELEPHONE
: COMPANY AND VERIZON
: NEW YORK INC. ONLY in:
:
: 07 Civ. 5702 (Pedro Garcia)
: 07 Civ. 8309 (Carlos Valencia)
:
x

ALVIN K. HELLERSTEIN, U.S.D.J.:

STIPULATION AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties to the two individual actions listed above, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed, and no person not a party has an interest in the subject matter of the action, the above listed actions be, and the same hereby are discontinued against New York Telephone Company and Verizon New York Inc., only, without prejudice, without costs to either party as against the other.

IT IS HEREBY FURTHER STIPULATED AND AGREED, that should facts or circumstances derived from future discovery, or otherwise, come to light that indicate a relationship to the litigation and a basis of a claim against the defendant for whom this Stipulation is being entered, and/or should it come to light that the information provided by said defendant in support of its request of discontinuance at this time, be discerned in the future to have been inaccurate, false or misleading, plaintiff may re-assert its claim against said defendant by motion, stipulation or otherwise, and without the necessity of additional service of process, and in no event will said defendant raise any statute of limitations defense other than as may have been asserted based upon the date of filing of the original action, at the time that the action was originally commenced against said defendant.

This Stipulation may be filed without further notice with the Clerk of the Court and defendant will obtain, if necessary, any Judicial "So Order" of this Stipulation and any other

02/06/2008 09:41 FAX

02/05/2008 17:51 FAX 212 4684900

KIRKLAND & ELLIS LLP

005/005

007/007

signatory, if necessary.

Dated: February 5, 2008
New York, New York

KIRKLAND & ELLIS LLP
Attorneys for Defendant,
NEW YORK TELEPHONE COMPANY AND
VERIZON NEW YORK INC.

By 
LEE ANN STEVENSON, ESQ.

Citigroup Center
153 East 53rd Street
New York, New York 10022
Tel: (212) 446-4917

OSHMANN & MIRISOLA, LLP
Attorneys for Plaintiffs

By 
DAVID KREMEN, ESQ.

42 Broadway, 10th Floor
New York, NY 10004

SO ORDERED:

2/14/08


HON ALVIN K. HELLERSTEIN